

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20**

GOOGLE, LLC and ALPHABET INC., a single
employer

and

EDWARD GRYSTAR, an Individual

Cases 20-CA-252802

and

KYLE DHILLON, an Individual

20-CA-252902

and

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO

**20-CA-252957
20-CA-253105
20-CA-253464**

and

AMR GABER, an Individual

20-CA-253982

**ORDER CONSOLIDATING,
CONSOLIDATED COMPLAINT AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (Board) and to avoid unnecessary costs or delay, IT IS ORDERED THAT Case 20-CA-252802 filed by Edward Grystar (Grystar), Case 20-CA-252902 filed by Kyle Dhillon (Dhillon), Cases 20-CA-252957, 20-CA-253105, and 20-CA-253464 filed by Communications Workers of America, AFL-CIO (Union), and Case 20-CA-253982 filed by Amr Gaber are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. § 151 et seq., and Section 102.15 of the Board's Rules and Regulations and alleges that

Google, LLC (Google) and Alphabet Inc. (Alphabet), a single employer (Respondent), have violated the Act as described below.

1. (a) The charge in Case 20-CA-252802 was filed by Grystar against Google, LLC on December 3, 2019, and a copy was served on Google by U.S. mail on December 4, 2019.

(b) A first-amended charge in Case 20-CA-252802 was filed by Grystar against Google, LLC on December 1, 2020, and a copy was served on Google by U.S. mail on December 2, 2020.

(c) The charge in Case 20-CA-252902 was filed by Dhillon against Google, LLC on December 5, 2019, and a copy was served on Google by U.S. mail on December 6, 2019.

(d) A first-amended charge in Case 20-CA-252902 was filed by Dhillon against Google, LLC on December 1, 2020, and a copy was served on Google by U.S. mail on December 2, 2020.

(e) The charge in Case 20-CA-252957 was filed by the Union on December 5, 2019, and a copy was served on Respondent by U.S. mail on December 6, 2019.

(f) A first-amended charge was filed in Case 20-CA-252957 by the Union on March 9, 2020, and a copy was served on Respondent by U.S. mail on March 10, 2020.

(g) The charge in Case 20-CA-253105 was filed by the Union on December 9, 2019, and a copy was served on Respondent by U.S. mail on December 10, 2019.

(h) The charge in Case 20-CA-253464 was filed by the Union on December 16, 2019, and a copy was served on Respondent by U.S. mail on December 17, 2019.

(i) The charge in Case 20-CA-253982 was filed by Gaber on December 30, 2019, and a copy was served on Respondent by U.S. mail on December 31, 2019.

2. (a) At all material times, Google, a California limited liability company with offices and places of business in Menlo Park, California, New York, New York, and elsewhere is a technology company specializing in a search-engine and other internet-related services and products.

(b) During the twelve-month period ending October 31, 2020, Google, in conducting its business operations described above in subparagraph 2(a), derived gross revenues in excess of \$500,000.

(c) During the period of time described above in subparagraph 2(b), Google, in conducting its business operations described above in subparagraph 2(a), purchased and received at its Menlo Park, California, office and place of business, goods valued in excess of \$5,000 directly from points outside the State of California.

3. (a) At all material times, Alphabet, a California corporation with its headquarter office and place of business located in Mountain View, California, is a technology conglomerate and parent holding company of Google, Waymo, and other subsidiaries.

(b) During the twelve-month period ending October 31, 2020, Alphabet, in conducting its business operations described above in subparagraph 3(a), derived gross revenues in excess of \$500,000.

(c) During the period of time described above in subparagraph 3(b), Alphabet, in conducting its business operations described above in subparagraph 3(a), purchased and received at its Mountain View, California, office and place of business, goods valued in excess of \$5,000 directly from points outside the State of California

4. (a) At all material times, Google and Alphabet have been affiliated business enterprises with common officers, ownership, directors, management, and supervision; have

formulated and administered a common labor policy; have shared common premises and facilities; have provided services for and made sales to each other; have interchanged personnel with each other; have interrelated operations with common insurance and purchasing and sales; and have held themselves out to the public as a single-integrated business enterprise.

(b) Based on its operations described above in subparagraph 4(a), Google and Alphabet constitute a single-integrated business enterprise and a single employer within the meaning of the Act.

5. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

6. At all material times, the following individuals held the positions set forth opposite their respective names and have been agents of the Respondent within the meaning of Section 2(13) of the Act:

Brad Fuller	-	Global Investigations Investigator
Traci Cravitz	-	Global Investigations Investigator
Steven King	-	Director of Global Investigations
Adrian Crowther	-	Manager
Lynne Williams	-	Manager
Tim Swanson	-	Manager
Charles Leynes	-	Global Investigations Investigator
Jered Wierbickisky	-	Supervisor
Heather Adkins	-	Director of Detection and Response
Michaela Cameron	-	Human Resources Representative
Kibra Yemane	-	Manager

7. About September 3, 2019, and at various times thereafter, Respondent, by Adrian Crowther and Lynne Williams, virtually surveilled employees protected concerted activities by, on numerous occasions, viewing an employee slide production in support of the HCL union drive. (Case 20-CA-253982)

8. About November 8, 2019, Respondent, by Brad Fuller and Traci Cravitz, interrogated its employees about their protected concerted activities by asking them about accessing MemeGen Takedown Documents. (Case 20-CA-252957)

9. About November 13, 2019, Respondent, by Charles Leynes and Traci Cravitz, in a Global Investigations meeting in Respondent's San Francisco facility, interrogated its employees about their protected concerted activities by asking them about their access of employees' calendars and MemeGen Takedown Documents. (Cases 20-CA-252957, 20-CA-253105, 20-CA-253464)

10. About December 18, 2019, Respondent, by an unnamed agent, in a meeting which included Supervisors Jered Wierbickisky, Director of Detection and Response Heather Adkins, and Manager Kibra Yemane, threatened employees with unspecified reprisals by requiring employees to raise workplace concerns through official channels including Code of Conduct alias or go/my-concerns. (Case 20-CA-252802)

11. (a) At all material times, Respondent has maintained Data Classification Policies pertaining to accessing Need-to-Know documents.

(b) Since about November 2019, Respondent, by Traci Cravitz and Charles Leynes, enforced the rule described above in subparagraph 11(a) selectively and disparately by applying it only against employees who engaged in protected, concerted activities. (Case 20-CA-252957)

12. (a) About November 2019, Respondent, by email, promulgated and has since then maintained a Calendar Access rule prohibiting employees from accessing other employees' calendars without a business purpose.

(b) Respondent promulgated and maintained the rule described above in subparagraph 12(a) to discourage its employees from forming, joining, assisting a union or engaging in other protected, concerted activities. (Case 20-CA-252957)

13. (a) About October 2019, Respondent promulgated and has since then maintained a Calendar Event rule prohibiting employees from creating calendar events with more than 100 invitees or using more than 10 rooms without a business purpose.

(b) Respondent promulgated and maintained the rule described above in subparagraph 13(a) to discourage its employees from forming, joining, assisting a union or engaging in other protected, concerted activities. (Case 20-CA-252957)

14. (a) About October 2019, employees Rebecca Rivers and Laurence Berland engaged in concerted activities with other employees for the purposes of mutual aid and protection by posting workplace concerns on MemeGen.

(b) About early November 2019, Rivers and Berland accessed employee accessible calendars and documents regarding the MemeGen Takedown Process.

(c) About November 6, 2019, Respondent placed Berland on administrative leave for accessing calendars and documents regarding the MemeGen Takedown Process.

(d) About November 7, 2019, Respondent placed Rivers on administrative leave for accessing documents regarding the MemeGen Takedown Process.

(e) About November 25, 2019, Respondent terminated the employment of Laurence Berland.

(f) Respondent engaged in the conduct described above in subparagraphs 14(c), (d), and (e) because Rivers and Berland engaged in the conduct described above in subparagraphs 14(a) and (b) and to discourage employees from engaging in these or other concerted activities. (Case 20-CA-252957)

15. (a) About November 23, 2019, employee Kathryn Spiers began writing code for a pop-up featuring an NLRB Notice from Case 32-CA-176462 that would automatically appear when an employee visited Respondent's Community Guidelines and other web pages.

(b) About November 24, 2019, employee Kyle Dhillon performed a readability review for the code referenced above in subparagraph 15(a).

(c) About November 25, 2019, employee Edward Grystar performed a readability review for the code referenced above in subparagraph 15(a).

(d) About November 25, 2019, Respondent placed Kathryn Spiers on Administrative Leave. (Cases 20-CA-253105 and 20-CA-253464)

(e) About November 26, 2019, Respondent turned off employee Kyle Dhillon's cell phone service. (Case 20-CA-252902)

(f) About November 27, 2019, Respondent placed employees Kyle Dhillon and Edward Grystar on administrative leave. (Cases 20-CA-252802 and 20-CA-252902)

(g) About December 18, 2019, Respondent issued employee Kyle Dhillon a final written warning. (Case 20-CA-252902)

(h) About December 19, 2018, Respondent counseled Edward Grystar and placed him on a 6-month readability review. (Case 20-CA-252802)

(i) About December 13, 2019, Respondent terminated the employment of Kathryn Spiers. (Case 20-CA-253464)

(j) Respondent engaged in the conduct described above in subparagraphs 15(e) through 15(h) because Dhillon and Grystar engaged in the conduct described above in subparagraphs 15(b) and (c) and to discourage employees from engaging in these or other concerted activities. (Cases 20-CA-252802 and 20-CA-252902)

(k) Respondent engaged in the conduct described above in subparagraphs 15(d) and (i) because Spiers engaged in the conduct described above in subparagraph 15(a) and to discourage employees from engaging in these or other concerted activities. (Case 20-CA-253464)

16. By the conduct described above in paragraphs 7 through 15, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act.

17. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the Consolidated Complaint. The answer must be **received by this office on or before December 16, 2020**. Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to

receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Consolidated Complaint are true.

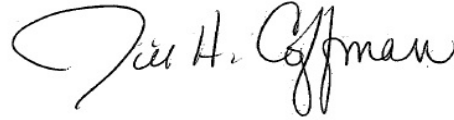
NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **April 12, 2021, at 9:00 a.m.**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board at 901 Market Street, Suite 400, San Francisco, California, or method or means, including videoconference, directed by the Administrative Law Judge. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Consolidated Complaint. The procedures to be followed

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at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: December 2, 2020

A handwritten signature in black ink, reading "Jill H. Coffman". The signature is fluid and cursive, with the first name "Jill" and last name "Coffman" clearly legible.

JILL H. COFFMAN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 20
901 Market Street, Suite 400
San Francisco, CA 94103-1738

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Cases 20-CA-252802, 20-CA-252902, 20-CA-252957, 20-CA-253105, 20-CA-253464
and 20-CA-253982

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

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Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility

of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.